

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: MULTIPLAN HEALTH
INSURANCE PROVIDER LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 1:24-cv-06795
MDL No. 3121

Hon. Matthew F. Kennelly

**DECLARATION OF NATASHA FERNÁNDEZ-SILBER IN SUPPORT OF PLAINTIFFS
ADVANCED ORTHOPEDIC CENTER, INC.'S AND CURTIS F. ROBINSON, M.D.,
INC.'S MOTION TO APPOINT INTERIM CO-LEAD CLASS COUNSEL**

I, Natasha J. Fernández-Silber, hereby declare as follows:

1. I am a Partner at the law firm Edelson PC ("Edelson") licensed to practice law in Michigan and New York. I represent Plaintiffs Advanced Orthopedic Center, Inc. and Curtis F. Robinson, M.D., Inc. (d/b/a "Panoramic Medicine") in the above-captioned matter.

2. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

3. In September 2023, Edelson began investigating a potential class action against MultiPlan, Inc. and several major insurers for their role in a conspiracy to suppress out-of-network reimbursement rates. Around the same time, Edelson began vetting potential class action plaintiffs.

4. As part of that investigation, Edelson's team of in-house technologists analyzed MultiPlan's repricing programs, algorithms, and patents, and circulated an internal memo with its findings on October 23, 2023.

5. Firm investigators and attorneys pursued other lines of inquiry as well, including: interviewing physicians, providers, and billing specialists; reviewing transcripts, pleadings, and other materials from MultiPlan-related lawsuits; combing committee reports and testimony from government investigations; locating documentary evidence concerning insurers' contractual

delegation of decision-making authority to MultiPlan and the manner in which MultiPlan coordinates rates; identifying the specific types of competitive-sensitive information (“CSI”) exchanged by insurers through MultiPlan; identifying which insurers were most central to the alleged cartel; locating data sources to be used in the calculation of class-wide damages; and determining how best to frame the available legal claims.

6. In June 2024, Edelson partnered with Susman Godfrey LLP (“Susman”) to bring a second proposed class action. Before filing, the firms retained a highly regarded economist for consultation on issues like potentially relevant markets, the defendants’ monopsony power, and the anticompetitive effects of the alleged MultiPlan rate-fixing scheme.

7. In September 2024, attorneys at Berger Montague PC (“Berger”), Edelson, and Susman agreed to seek a joint leadership appointment, as they believed the firms’ resources, complementary skill sets, and compatible working styles would benefit their clients and members of the Class.

8. Attached hereto as Exhibit A is an excerpt of Edelson’s firm resume, with biographies of the attorneys and other personnel that would be involved in the above-caption matter if the Edelson/Susman/Berger Team is appointed Interim Co-Lead Class Counsel.

9. Attached hereto as Exhibit B is a copy of Susman’s firm resume, with biographies of the attorneys that would be involved in the above-caption matter if the Edelson/Susman/Berger Team is appointed Interim Co-Lead Class Counsel.

10. Attached hereto as Exhibit C is an excerpt of Berger’s firm resume, with biographies of the attorneys that would be involved in the above-caption matter if the Edelson/Susman/Berger Team is appointed Interim Co-Lead Class Counsel.

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I declare under the penalty of perjury that the foregoing is true and correct. Executed this 9th day of September 2024, in Ann Arbor, Michigan.

/s/ Natasha Fernández-Silber
Natasha J. Fernández-Silber